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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,138	09/29/2000	Bruce Winker	99SC132US2	2766

7590 02/06/2003  
KOPPEL & JACOBS  
555 St. Charles Drive, Suite 107  
Thousand Oaks, CA 91360

EXAMINER

DUDEK, JAMES A

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/676,138

Applicant(s)

WINKER ET AL.

Examiner

James A. Dudek

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-43 and 48-52 is/are allowed.
- 6) ☒ Claim(s) 1, 4-13, 33-38, 44-47 and 53-65 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 14-26 and 66-69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Wada JP patent ('937).

Per claim 1, '937 teaches a LC cell, 2, and dimming cell, 4 (or mirror as it reflects the light to create a reflective display). See abstract. The mirror has a reflective state to create a reflection type display and a transparent state for creating a transmissive display. In the reflective state, the light "is reflected by the dimming element 4".

Per claim 4, see light source 5.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 5-13, and 33-38, 44-47, 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over '937.

Per claim 5-6 and 44-46, see 1 and 3, although not explicitly teaching crossed polarizers, this was a notoriously well known normally white cell, which offers improved contrast. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine the cross polarizer scheme with '937 in order to create a normally white cell.

Per claim 7, it was well known to incorporate A plates between the polarizers and cell in order to improve contrast and/or viewing angle. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to place A plates between the polarizers and the cell of '937 in order to improve contrast.

Per claim 8-9 and 38, 47, diffusing elements were well known for reducing the screen door effect. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine the well known diffuser with '937 to decrease the screen door effect. Also the reflector is a diffusing reflector.

Per claim 10-11 and 53-54, the control system if not inherent was notoriously well known. Since the lights source is only switched on during transmissive mode, it follows a control circuit would be required to drive the cell to achieve this result. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to include control circuits to drive the cell to achieve the results stated in the abstract.

Per claim 12-13 and 33-37, the automatic response to ambient light was well known so as not to require the user to switch from one mode to the other if the user chooses to create such an automatic mode. That is to make something automatic was well known. Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to combine the well known automatic control scheme with '937 in order to decrease the necessary user input.

#### ***Allowable Subject Matter***

Claims 27-32, 39-43 and 48-52 are allowed.

Claims 2-3, 14-26 and 66-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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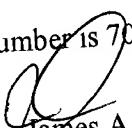
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The following is a statement of reasons for the indication of allowable subject matter: in re claims 27, 28, 30, 40, 48, and their associated dependent claims, the relied upon does not teach a quarter wave plate for converting linear polarized light to circular in combination with the tunable mirror creating reflecting/transmitting characteristics. In re claim 39, the art relied upon does not teach the supplementing of the reflecting light with the backlight in combination with the other limitation with claim 39.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 308-4782. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on 703-308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
James A. Dudek  
Primary Examiner  
Art Unit 2871

February 3, 2003